

UNITED STATES DISTRICT COURT

RECEIVED

for the

Middle District of Tennessee

Nashville Division

APR 19 2024
U.S. District Court
Middle District of TN

Heather Neisen and minor children (C.R., K.R., M.R.)

Case No.

(to be filled in by the Clerk's Office)

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

Carl Benjamin Lewis & McCarter East PLLC

Jury Trial: (check one) Yes No

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

COMPLAINT FOR A CIVIL CASE ALLEGING NEGLIGENCE
(28 U.S.C. § 1332; Diversity of Citizenship)

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

| | |
|--------------------|--------------------------|
| Name | Heather Neisen |
| Street Address | 3319 Edmondson Ct. |
| City and County | Murfreesboro, Rutherford |
| State and Zip Code | TN 37129 |
| Telephone Number | 281-804-5203 |
| E-mail Address | H.Neisen@yahoo.com |

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (*if known*). Attach additional pages if needed.

Defendant No. 1

| | |
|------------------------------------|--------------------------|
| Name | Carl Benjamin Lewis |
| Job or Title (<i>if known</i>) | attorney |
| Street Address | 316 W. Main St. |
| City and County | Murfreesboro, Rutherford |
| State and Zip Code | TN 37130 |
| Telephone Number | 615-570-3047 |
| E-mail Address (<i>if known</i>) | benlewis@mcelaw.com |

Defendant No. 2

| | |
|------------------------------------|--------------------------|
| Name | McCarter East PLLC |
| Job or Title (<i>if known</i>) | law firm on Ben Lewis |
| Street Address | 316 W. Main St. |
| City and County | Murfreesboro, Rutherford |
| State and Zip Code | TN 37130 |
| Telephone Number | 615-570-3047 |
| E-mail Address (<i>if known</i>) | |

Defendant No. 3

| | |
|------------------------------------|--|
| Name | |
| Job or Title (<i>if known</i>) | |
| Street Address | |
| City and County | |
| State and Zip Code | |
| Telephone Number | |
| E-mail Address (<i>if known</i>) | |

Defendant No. 4

| | |
|------------------------------------|--|
| Name | |
| Job or Title (<i>if known</i>) | |
| Street Address | |
| City and County | |
| State and Zip Code | |
| Telephone Number | |
| E-mail Address (<i>if known</i>) | |

II. Basis for Jurisdiction

Federal courts are courts of limited jurisdiction (limited power). Under 28 U.S.C. § 1332, federal courts may hear cases in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000. In that kind of case, called a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff. Explain how these jurisdictional requirements have been met.

A. The Plaintiff(s)

1. If the plaintiff is an individual

The plaintiff, (name) Heather Neisen, is a citizen of the
State of (name) Tennessee.

2. If the plaintiff is a corporation

The plaintiff, (name), is incorporated
under the laws of the State of (name),
and has its principal place of business in the State of (name).

(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)

B. The Defendant(s)

1. If the defendant is an individual

The defendant, (name) Carl Benjamin Lewis, is a citizen of
the State of (name) Tennessee. Or is a citizen of
(foreign nation).

2. If the defendant is a corporation

The defendant, (name) McCarter East PLLC, is incorporated under
the laws of the State of (name) Tennessee, and has its
principal place of business in the State of (name) Tennessee.
Or is incorporated under the laws of (foreign nation),
and has its principal place of business in (name).

(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)

C. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than \$75,000, not counting interest and costs of court, because (explain):

\$750,000 due to loss of wages, physical and emotional trauma due to negligence, lengthy litigation, loss of wages due to preventable unnecessary time off work and loss of employment as a result from negligence and post-separation abuse collusion.

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

On (date) 04/20/2023, at (place) 116 West Lytle St., Murfreesboro, TN 37130,

the defendant(s): (1) performed acts that a person of ordinary prudence in the same or similar circumstances would not have done; or (2) failed to perform acts that a person of ordinary prudence would have done under the same or similar circumstances because (*describe the acts or failures to act and why they were negligent*)

This was the last day of representation as counsel. Defendant had failed to carry out task of obtaining reasonable ADA accommodations despite requests. Defendant failed to advocate for client at court and withdrew as counsel prior to hearing. Refusal of ADA accommodations resulted in Plaintiff cited with "failure to appear". Defendant also refused to adjust court dates as necessary and adhere to orders to set within a 45-day time frame (09/02/2022). Defendant colluded with opposing counsel to extend litigation over unnecessary time frames. Defendant was well aware of the Constitutional rights and Judicial violations being committed and failed

The acts or omissions caused or contributed to the cause of the plaintiff's injuries by (*explain*)
Further exacerbating trauma to minor children and Mother, both physically and psychologically. Negligence caused unnecessary extensive litigation, loss of wages, loss of employment and loss of time between Mother and children.

IV. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

\$750,000 for loss of employment, loss of wages, cost of treatment due to traumas from negligent practices. Recovery in court costs, time and travels related to case 18CV-1946 while Plaintiff was represented by the Defendants. Costs for retaining new counsel. Refund of original retainer.

V. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 04/11/2024

Signature of Plaintiff



Printed Name of Plaintiff

Heather Neisen

B. For Attorneys

Date of signing: _____

Signature of Attorney



Printed Name of Attorney



Bar Number



Name of Law Firm



Street Address



State and Zip Code



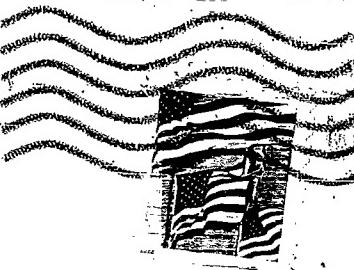
Telephone Number



E-mail Address



3319 Edmondson Street
Nashville, Tenn 37207
Murfreesboro, Tenn 37132



United States District Court
for the Middle District of TN
RECEIVED APR 19 2024 801 Broadway
U.S. District Court Unit 800
Middle District of TN Nashville, TN 37203

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